

United States District Court

for the

Eastern District of New York

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: **James Odell**

Case Number: **02-CR-986(S-1)-02**

Name of Sentencing Judicial Officer: **The Honorable Allyn R. Ross, United States District Judge**

Date of Original Sentence: **March 10, 2004**

Original Offense: **18 U.S.C. 922(g)(1), Felon in Possession of a Firearm, a Class C Felony**

Original Sentence: **37 months imprisonment, followed by three years supervised release. As special conditions of supervised release, the Court ordered the offender to (1) pay a \$100 special assessment fee; (2) not possess any firearms; (3) submit his person, residence, place of business, vehicle or any other premises under his control to a search on the basis that the probation officer has reasonable belief that contraband or evidence of a violation of the conditions of release may be found; and (4) participate in substance abuse treatment with a provider selected by the Probation Department. Treatment may include outpatient or residential treatment. The offender shall abstain from all illegal substances and/or alcohol. The offender shall contribute to the cost of services rendered or medication prescribed via co-pay or full payment in the amount approved by the Probation Department, based upon the offender's ability to pay and/or the availability of third party payment.**

Type of Supervision: **Supervised Release** Date Supervision Commenced: **June 17, 2005**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

For a period of 30 days, the defendant shall remain in his home of record. The defendant is only authorized to leave for employment or other necessary activities with the approval, in advance, of the Probation Department. The home confinement period shall commence on a date approved by the Probation Department. While serving the period of home confinement, the defendant shall wear an electronic monitoring bracelet or similar tracking device and follow all requirements and procedures established for home confinement by the Probation Department and the Administrative Office of U.S. Courts. In addition, the defendant shall pay the costs of home confinement, including the price of electronic monitoring equipment, to the degree he is reasonable able. The defendant shall disclose all financial information and documents to the Probation Department to assess his ability to pay.

CAUSE

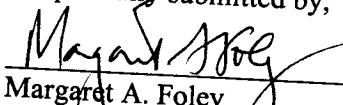
On March 28, 2006, the offender, age 28, was arrested by New York City Transit Police Officers and charged with Criminal Possession of Stolen Property in the Fifth Degree, in violation of New York State Penal Law 165.40, a Class A misdemeanor; Intent to Fraudulently Obtain Transportation Without Paying, in violation of New York State Penal Law 165.15, a Class A misdemeanor; and Criminal Trespass in the Third Degree, in violation of New York State Penal Law 140.10, a Class B misdemeanor. On March 29, 2006, he appeared in New York Criminal Court and pled guilty to Theft of Services (Case #: 2006NY021318). The Court sentenced the offender to Time Served and a \$160 mandatory surcharge.

On March 29, 2006, the offender contacted the Probation Department and advised us of his arrest. He explained that the incident was a mistake and he did not intend to obtain transportation without paying. However, he understood the consequences of his behavior and signed a Waiver of Hearing to Modify the Conditions of Supervised Release to include home confinement for a 30-day period.

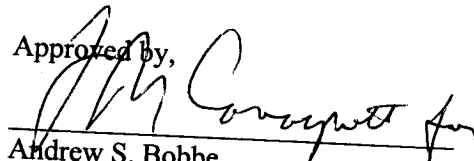
The offender resides with his family at 218-14 99th Avenue, Middle Village, New York. He has been steadily working with Ready, Willing and Able, an employment assistance program, since January 24, 2006. Records reflect that all toxicology results have returned negative for the presence of illicit drugs since November 8, 2005.

As such, the Probation Department respectfully recommends that Your Honor modify the conditions as requested. In the event that the offender continues in his noncompliant behavior, we will notify the Court recommending appropriate action.

Respectfully submitted by,

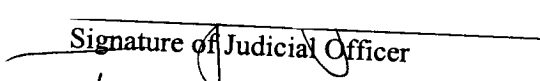

Margaret A. Foley
Senior U.S. Probation Officer
Date: 7/11/06

Approved by,


Andrew S. Bobbe
Deputy Chief U.S. Probation Officer
Date: 7/11/06

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other


Signature of Judicial Officer

July 11, 2006
Date

United States District Court
EASTERN DISTRICT OF NEW YORK

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and the assistance of counsel before any unfavorable change(s) may be made in my conditions of Probation and/or Supervised Release or before my period of supervision can be extended. By assistance of counsel, " I understand that I have the right to be represented at a hearing by counsel of my choosing if I am able to retain counsel. I also understand that I have the right to request that the Court appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel. "

I hereby voluntarily waive my statutory right to a hearing and to the assistance of counsel. I also hereby agree to the following modification (s) of my conditions of Probation and/or Supervised Release or to the proposed extension of my term of supervision:

For a period of 30 days, the defendant shall remain in his or her home of record. The defendant is only authorized to leave for employment or other necessary activities with the approval, in advance, of the Probation Department. The home confinement period shall commence on a date approved by the Probation Department. While serving the period of home confinement, the defendant shall wear an electronic monitoring bracelet or similar tracking device and follow all requirements and procedures established for Home Confinement by the Probation Department and the Administrative Office of U.S. Courts. In addition, the defendant shall pay the costs of home confinement, including the price of electronic monitoring equipment, to the degree he or she is reasonably able. The defendant shall disclose all financial information and documents to the Probation Department to assess his or her ability to pay.

Witness: Margaret Foley
U.S. Probation Officer

Signed: Odell James
Probationer or Supervised Releasee

3/29/06
Date